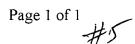


Thomason, Moser & Patterson, L.L.P.

3040 Post Oak Boulevard, Suite 1500





COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
www.usplo.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/865,371

Houston, TX 77056-6582

Gero G. McClellan

05/25/2001

Earl Walter Emerick

ROC920010109US1

CONFIRMATION NO. 3728

FORMALITIES LETTER

OC000000006347717

RESPONSE DUE 9/24/01

Date Mailed: 07/26/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

. 90

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/06/2001 SMINASS1 00000018 090465 09865371

01 FC:105 130.00 CH



9410

Date: August 30, 2001

Group Art Unit: 2152

Examiner: Unknown

SECTOR HY

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Emerick et al.

Serial No.:

09/865,371

Filed:

May 25, 2001

For:

METHOD AND APPARATUS

UPGRADE ASSISTANCE USING CRITICAL HISTORICAL PRODUCT

INFORMATION

Assistant Commissioner for Patents Box Missing Parts Washington, D.C. 20231

Sir:

LETTER

In response to the Notice To File Missing Parts of Application mailed July 26, 2001, enclosed herewith is a Declaration executed by the inventors, whose signatures did not appear on the Declaration as originally filed.

Authorization is hereby given to charge any fees, including fees under 37 CFR 1.16(e), to Deposit Account 09-0465. A duplicate copy of this letter is enclosed along with a copy of the Notice.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231, on

August 30, 2001
(Date of Deposit)

Grant A. Johnson

Respectfully submitted,

By:

Grant A. Johnson

Attorney Reg. No.: 42,696 IBM Corporation, Dept 917 3605 Highway 52 North Rochester, MN 55901-7829

Telephone: (507) 253-4660

Docket No.:

ROC920010109US1

Serial No.:

09/865,371